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WILLIAM LUKOV

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM LUKOV

Plaintiff,

v.

SCHINDLER ELEVATOR CORPORATION,

Defendant.

Case No. CV 11-00201 EJD

**STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY THE
SCHEDULING ORDER**

The parties to the captioned action hereby jointly submit this Stipulation and [Proposed] Order to Modify The Scheduling Order.

WHEREAS, the parties have recently adjudicated through law and motion a significant discovery dispute in which the Court granted, in part, Plaintiff's motion to compel further discovery responses.

WHEREAS, the significant efforts in meeting and conferring, preparing for, briefing, holding a hearing and securing a ruling on this matter took approximately five months to resolve.

WHEREAS, the parties' discovery was delayed during the pendency of this dispute.

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1 WHEREAS, the parties jointly request additional time with which to complete
2 discovery and to engage in negotiations to attempt to reach a resolution of this matter prior to
3 the expenditure of significant time and attorneys' fees in preparing dispositive motions;

4 WHEREAS, the parties intend to complete the initial phase of discovery this month and
5 submit this matter to an ENE facilitator who has recently been assigned through this Court's
6 ADR division in December pending the ENE facilitator's availability.

7 WHEREAS, the aforementioned circumstances have caused the parties to need four
8 additional months to complete discovery.

9 WHEREAS, the discovery deadline is currently set for February 17, 2012;

10 WHEREAS, the dispositive motion hearing deadline is currently set for April 20, 2012;

11 WHEREAS, the expert and rebuttal expert disclosure deadlines are currently set for 63
12 and 49 days prior to the close of discovery;

13 WHEREAS, the Preliminary Pretrial Conference is currently set for January 20, 2012;

14 WHEREAS, no trial date has been set.

15 Accordingly, the parties hereby stipulate to the following, and request that this Court
16 issue an Order providing for the following scheduling modifications:

17 A discovery deadline of May 18, 2012;

18 A dispositive motion hearing deadline of July 20, 2012;

19 Expert and rebuttal expert disclosure deadlines set for 63 and 49 days prior to May 18,
20 2012;

21 A Preliminary Pretrial Conference on April 19, 2012.

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Case No. CV.11-00201 EJD

STIPULATION AND PROPOSED ORDER TO MODIFY THE SCHEDULING ORDER

~~PROPOSED~~ ORDER

Good Cause Appearing, and based on the stipulation of the parties, the Scheduling Order shall be modified as follows:

The discovery deadline shall be May 18, 2012;

The dispositive motion hearing deadline shall be July 20, 2012;

The Expert and rebuttal expert disclosure deadlines shall be 63 and 49 days prior to May 18, 2012;

The court schedules a Case Management Conference for **January 20, 2012, at 10:00 a.m.** The parties shall file a Joint Case Management Statement on or before January 13, 2012. The court also schedules a Preliminary Pretrial Conference for **April 27, 2012, at 11:00 a.m.** The parties shall file a Joint Preliminary Pretrial Conference Statement on or before April 17, 2012.

IT IS SO ORDERED.

DATED: November 18, 2011


DISTRICT COURT JUDGE